

Remarks/Arguments

A Request for Continued Examination is being submitted under separate cover on today's date.

Amendments

Applicant requests that the application be amended as above described.

The disclosure has been amended to more clearly describe the properties of the cleaning composition of the invention. In particular, the amendment clarifies that the cleaning composition includes 90-99.9% by volume of the cleaning solution portion and 0.1-10% by volume of the disinfectant portion. Full support for this amendment is found in the specification as originally filed and in particular in claims 4-8 as originally filed. Applicant respectfully submits that the amendment to the description does not introduce any new matter but simply restates subject matter which was implicit in the specification as filed and respectfully requests entry of the amended description paragraph into the specification.

Applicant has amended Claims 1, 21, 23, 25 and 27. Claims 1, 16 and 19-28 are now in the application. Applicant submits that the independent claim in the application reads on all species disclosed, and thus is generic.

Claim 1 was amended to more clearly identify the properties of the cleaning solution portion of the composition. In particular, the claim was amended to clarify what was defined by the previously used wording 'substantially free of hydrochloric acid'. The claim now defines the hydrochloric acid content as 0%. Compositions including no hydrochloric acid were encompassed within the scope of claims 21, 23, 25 and 27 when originally submitted. Claims 21, 23, 25 and 27 were amended in view of the amendments made to claim 1 to ensure consistent definition of the cleaning solution portion of the composition. No new matter was introduced by any of the claim amendments made, it being clearly apparent from the specification as originally filed that hydrochloric acid free cleaning solution portions (hydrochloric acid content 0%) were included in the range of exemplary compositions disclosed and previously claimed. Moreover, it is clear from the description and in particular page 3 (lines 8-10) that the cleaning solution portion includes one or both of hydrochloric acid and phosphoric acid in combination with other ingredients. Therefore, cleaning solution

portions which include only phosphoric acid and no hydrochloric acid are clearly disclosed and supported in the specification.

Arguments

The Examiner's withdrawal of the rejections in the previous Action is acknowledged. A corrected Information Disclosure Statement is being submitted under separate cover on today's date.

The Examiner's rejections of claim 1 for lack of description of the subject matter claimed and for failure to particularly point out and distinctly claim the subject matter of the invention are believed overcome by the amendments made. The claim now defines the hydrochloric acid content as 0%. As discussed above, full description of this feature is found in the description and in claims 21, 23 25 and 27 when first submitted. The term "substantially free" has been deleted from the claim. Thus, amended claim 1 is now believed to comply with 35 U.S.C. 112, first and second paragraphs.

The Examiner has rejected claims 16, 22, 24, 26 and 28 for lack of support in the description for the limitation that the cleaning solution portion make up 90-99.9% by weight of the cleaning composition. Applicant respectfully submits that the rejected claims recite the limitation that the cleaning composition include 90-99.9% by volume of the cleaning solution portion. Moreover, full, literal support for this limitation is found in the specification as originally filed, and in particular claims 4-8 originally filed. Additionally, full support for this limitation is now also found in the description and in particular in the amended second paragraph of page 4. Therefore, Applicant respectfully submits that the Examiner's rejection of claims 16, 22, 24, 26 and 28 for lack of support is overcome by the amendments made.

The Examiner has rejected claims 1, 16 and 21-28 of the application as being obvious over O'Neal, Jr. (USP 6,051,108). This rejection is now believed overcome by the amendments to claims 1, 21, 23 25 and 27, limiting the cleaning solution portion to one containing 2-20% sulfamic acid, 2-20% phosphoric acid and 0% hydrochloric acid. The amended claims now define a cleaning composition including both an organic acid and a mineral acid in combination with peracetic acid. From a study of the description and examples, it is apparent that the O'Neal, Jr. reference teaches a cleaning solution which includes one or more acidic cleaning compounds and peracetic acid, whereby the acidic cleaning compounds are either organic acids or a mineral acids. Thus, the cleaning solution of O'Neal Jr. includes peracetic acid in combination with either a mineral acid or mineral acid mixture or an organic acid or

organic acid mixture. O'Neal Jr. neither discloses nor even suggests a cleaning solution including peracetic acid in combination with both a mineral acid and an organic acid.

It is the Examiner's position that the cited reference, although it does disclose various cleaning compositions with hydrochloric acid, also discloses a preferred composition which does not include hydrochloric acid but sulfuric or phosphoric acid instead. Thus, it is the Examiner's position that the reference discloses a cleaning composition including the ingredients claimed. Applicant respectfully disagrees and directs the Examiner's attention to the actual teachings of the O'Neal reference, which clearly states in column 3, lines 3 to 6, that the cleaning solution contains one or more acidic cleaning compounds and peracetic acid, where the acidic acid cleaning compound is either an organic acid or a mineral acid (emphasis added). In other words, the reference does not disclose the use of a combination of organic and mineral acids. This is also clearly apparent from the exemplary cleaning compositions (Examples 1-20) particularly disclosed in the reference. Compositions including phosphoric acid (Examples 6, 11, 16 and 20) do not include any sulfamic, glycolic, citric, malic or glutaric acid, all of which are classified as organic acids, and all other exemplary compositions including one or more organic acids are devoid of any mineral acid such as phosphoric acid. Therefore, O'Neal does not disclose a cleaning composition including a combination of peracetic acid and organic as well as mineral acids. This is also clear from the disclosure in column 3, lines 25 to 33, where a clear distinction is being made between cleaning solutions including peracetic acid and an organic acid and cleaning solutions including peracetic acid and a mineral acid. Nowhere is it disclosed or even suggested that a cleaning solution could be made which includes peracetic acid in combination with both organic and mineral acids. Therefore, the claims as amended define subject matter differentiated from the teachings of O'Neal Jr. when taken alone or in combination with general knowledge in the art. Consequently, Applicant respectfully requests that the rejection of claims 1, 16 and 21-28 under 35 U.S.C. 103(a) be withdrawn.

The Examiner has rejected claims 1, 16 and 19-28 as being anticipated or obvious over Monticello et al. (USP 6,106,774). It is the Examiner's position that Monticello et al. disclose disinfecting compositions comprising hydrogen peroxide, one or more acids, such as sulfamic, glycolic, citric and phosphoric acid, a buffer such as citric acid, inhibitors and dyes. Applicant would like to respectfully point out to the Examiner that Monticello et al. disclose disinfecting compositions which include not only one or more of the components listed by the Examiner, but additional components which are considered critical for the working of the compositions disclosed and which are not included in the cleaning compositions as defined in the amended claims.

All the cleaning compositions disclosed in Monticello et al. require the inclusion of further constituents which are not indicated as being optional and which are not found in the cleaning compositions of the amended claims. In particular, Monticello et al. require that their cleaning compositions include 1 to 10 percent by weight of a glycol ether, or butoxypropanol or propoxypropanol. The cleaning compositions as defined in the amended claims do not include any comparable constituents. Furthermore, it is stated in column 2, lines 57 to 64 of Monticello et al. that the good cleaning and disinfecting characteristics of the cleaning compositions of Monticello et al. are due to the use of low amounts of volatile organic materials and to the synergistic effect of the select constituents in their relative proportions as disclosed. This passage is followed by a discussion of the individual constituents which again states that the composition as one of the constituents includes a glycol ether for stain and soil solubilizing effect. Nowhere is it stated that the glycol ether constituent could be omitted.

The cleaning compositions as defined in the amended claims do not include any glycol ethers. Furthermore, the cleaning composition of the amended claims is defined as a composition for use in drink water installations. It is respectfully submitted that due to the inherent toxicity of glycol ether, butoxypropanol or propoxypropanol, cleaning compositions including those components would not be useful for the cleaning of drink water installations. Thus, the cleaning compositions of the amended claims are not only distinguished from those disclosed in Monticello et al., but are also non-obvious thereover, since Monticello et al. neither suggest the use of their cleaning composition in drink water installations, nor even acknowledge the inherent problems with the use of glycol ether, butoxypropanol or propoxypropanol anywhere within the drink water supply system. Consequently, Applicant respectfully requests that the rejection of claims 1, 16 and 21-28 under 35 U.S.C. 102(e) or 35 U.S.C. 103(a) be withdrawn.

Applicant submits that the application is now in condition for allowance and earnestly solicits action to that end.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

SCHULHOFF, Jeffrey et al.

/Gail C. Silver/

By: _____

Gail C. Silver
Registration No. 47945
Borden Ladner Gervais LLP
World Exchange Plaza
100 Queen Street, Suite 1100
Ottawa, ON K1P 1J9
CANADA
Tel: (613) 787-3727
Fax: (613) 787-3558
E-mail: gsilver@blgcanada.com

GS/jtf

Encl.

1. Request for Continued Examination